

**DEPARTMENT OF STATE REVENUE
LETTER OF FINDINGS NUMBER: 02-0552P
Gross and Adjusted Gross Income Tax
For Calendar Year 1998**

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ISSUE(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer filed its return with payment of \$18,866 on October 15, 1999 and was assessed a late penalty. The original due date of the return was April 15, 1999.

Taxpayer filed a penalty protest dated July 10, 2002. Taxpayer states that it paid well over one hundred percent (100%) of the prior year's tax, which should release it from any penalties. Taxpayer enclosed a check for interest in the amount of \$1,215.11.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that it paid well over one hundred percent (100%) of the prior year's tax.

Taxpayer was assessed a penalty for the late payment of its taxes.

Taxpayer failed to remit its tax by the original due date of the return as required under IC 6-8.1-10-2.1(a)(2). The penalty is ten percent (10%) of the amount of tax not paid, if the person fails to pay the full amount of tax shown on the person's return on or before the due date for the return or payment.

Taxpayer made payment after the due date of the return and has not provided reasonable cause to allow the Department to waive the penalty.

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FINDING

Taxpayer's protest is denied.

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